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E & R AMENDMENTS TO LB 161

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Section 16-611, Revised Statutes Supplement,
4 2004, is amended to read:

5 16-611. (1) Upon the vacation of any street or alley by
6 the city, the title to such property shall vest in the owners of
7 the abutting property and become a part of such property, one-half
8 on each side thereof, unless the city reserves title in the
9 ordinance vacating such street or alley. If title is retained by
10 the city, such property may be sold, conveyed, exchanged, or leased
11 upon such terms and conditions as shall be deemed in the best
12 interests of the city.

13 (2) ~~When an alley is vacated by the city, the title to~~
14 ~~such property shall vest in the owners of the abutting property and~~
15 ~~become a part of such property, one-half on each side thereof,~~
16 ~~unless the alley is taken wholly from one or more lots, in which~~
17 ~~case the title to such property shall vest in the owner of the~~
18 ~~abutting property and become a part of such property.~~

19 ~~(3)~~ When a portion of a street or alley is vacated only
20 on one side of the center thereof, the title to such property shall
21 vest in the owner of the abutting property and become part of such
22 property unless the city reserves title in the ordinance vacating a
23 portion of such street or alley. If title is retained by the city,
24 such property may be sold, conveyed, exchanged, or leased upon such

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1 terms and conditions as shall be deemed in the best interests of
2 the city.

3 ~~(4)~~ (3) When the city vacates all or any portion of a
4 street or alley, the city shall, within thirty days after the
5 effective date of the vacation, file a certified copy of the
6 vacating ordinance with the register of deeds for the county in
7 which the vacated property is located to be indexed against all
8 affected lots.

9 (4) The title to property vacated pursuant to this
10 section shall be subject to the following:

11 (a) There is reserved to the city the right to maintain,
12 operate, repair, and renew sewers now existing there; and

13 (b) There is reserved to the city, any public utilities,
14 and any cable television systems the right to maintain, repair,
15 renew, and operate installed water mains, gas mains, pole lines,
16 conduits, electrical transmission lines, sound and signal
17 transmission lines, and other similar services and equipment and
18 appurtenances above, on, and below the surface of the ground for
19 the purposes of serving the general public or the abutting
20 properties, including such lateral connections or branch lines as
21 may be ordered or permitted by the city or such public utility or
22 cable television system, and to enter upon the premises to
23 accomplish such purposes at any and all reasonable times.

24 Sec. 2. Section 16-669, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 16-669. (1) Except as provided in subsection (2) of this
27 section, the assessment of special taxes for sewer or water

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1 improvements in a district shall be levied at one time and shall
2 become delinquent in equal annual installments over a period of
3 years equal to the number of years for which the bonds for such
4 project were issued pursuant to section 16-670. The assessment of
5 ~~special taxes for sewer mains or water mains so provided for and~~
6 ~~constructed shall be levied at one time and shall become delinquent~~
7 ~~in equal annual installments over such period of years of not less~~
8 ~~than four years and not more than ten years as the mayor and~~
9 ~~council may determine at the time of making the levy. The first~~
10 ~~installment shall become~~ becomes ~~delinquent fifty days after the~~
11 ~~making of such levy. Each of said installments~~ installment, except
12 the first, shall draw interest from the time of such levy until
13 ~~they shall become~~ such installment becomes ~~delinquent. After the~~
14 ~~same become~~ an installment becomes ~~delinquent, interest at the rate~~
15 ~~specified in section 45-104.01, as such rate may from time to time~~
16 ~~be adjusted by the Legislature, shall be paid thereon, until the~~
17 ~~same~~ such installment is collected and paid. Such special taxes
18 shall be collected and enforced as in cases of other special taxes
19 and shall be a lien on ~~said~~ such real estate from and after the
20 date of the levy thereof. ~~Should there be~~ If three or more ~~of said~~
21 ~~installments are~~ are ~~delinquent and unpaid on the same property, the~~
22 ~~mayor and city council may by resolution declare all future~~
23 ~~installments on such delinquent property to be due on a future~~
24 ~~fixed date. The resolution shall set forth the description of the~~
25 ~~property and the names of its record title owners and shall provide~~
26 ~~that all future installments shall become delinquent upon the date~~
27 ~~fixed. A copy of such resolution shall be published one time each~~

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1 week for not less than twenty days in a legal newspaper of general
2 circulation published in the city and after the fixed date such
3 future installments shall be deemed to be delinquent and the city
4 may proceed to enforce and collect the total amount due and all
5 future installments.

6 (2) If the city incurs no new indebtedness pursuant to
7 section 16-670 for sewer or water improvements in a district, the
8 assessment of special taxes for sewer or water improvements shall
9 be levied at one time and shall become delinquent in equal annual
10 installments over such period of years as the city council
11 determines at the time of making the levy to be reasonable and
12 fair.

13 Sec. 3. Section 16-670, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 16-670. For the purpose of paying the cost of any such
16 sewer or water improvements in any such district, the ~~mayer and~~
17 city council shall have the power and may by ordinance cause bonds
18 of the city to be issued ~~bonds of the city, to be~~ called District
19 Sewer (Water) Bonds of District No., payable in not exceeding
20 ~~fifteen~~ twenty years from date and to bear interest payable
21 annually or semiannually with interest coupons attached. All
22 special assessments which may be levied upon properties specially
23 benefited by such work or improvements shall, when collected, be
24 set aside and constitute a sinking fund for the payment of the
25 interest and principal of such bonds. The cost of such sewer or
26 water improvements chargeable by special assessment to the private
27 property within such district may be paid by the owners of such

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1 property within fifty days from the levy of such special
2 assessments, ~~+~~ and thereupon ~~said~~ such property shall be exempt
3 from any lien ~~therefor~~ for the special assessment. Such bonds
4 shall not be sold for less than their par value and if any
5 assessment or any part thereof ~~shall fail~~ fails or for any reason
6 ~~be~~ is invalid, the ~~mayer~~ and city council may make such other and
7 further assessments on such lots or lands as may be required to
8 collect from the ~~same~~ lots or lands the cost of any such sewer or
9 water improvements properly chargeable ~~thereto~~ as herein provided
10 to the lots or lands as provided in this section. If such
11 assessments or any part thereof ~~shall fail~~ fails or for any reason
12 ~~be~~ is invalid, the ~~mayer~~ and city council may, without further
13 notice, make such other and further assessments on such lots or
14 lands as may be required to collect from the ~~same~~ lots or lands the
15 cost of such improvement properly chargeable ~~thereto~~ as
16 ~~hereinbefore provided~~ to the lots or lands as provided in this
17 section. Nothing in this section shall be construed to prevent a
18 city from paying the cost of sewer or water improvements from
19 revenue bonds as otherwise provided by law. When revenue bonds are
20 issued to pay the cost of sewer or water improvements, the ~~mayer~~
21 ~~and city~~ council may provide that the collections from any related
22 special assessment district shall be allocated to the gross revenue
23 of the appropriate utility system.

24 Sec. 4. Section 17-522, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 17-522. ~~Second-class cities and villages shall have the~~
27 ~~power to~~ (1) The mayor and city council of a city of the second

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1 class or board of trustees of a village may construct and ~~to~~ repair
2 sidewalks or cause the construction and repair of sidewalks in such
3 manner as the mayor and city council or board of trustees deems
4 necessary and assess the expense thereof on the property in front
5 of which such construction or repairs are made, after having given
6 notice ~~of their intention to do so~~ (1) (a) by publication in one
7 issue of a legal newspaper of general circulation in such city or
8 village, and (2) (b) by either causing a written notice to be
9 served upon the occupant in possession of the property involved or
10 to be posted upon such premises ten days prior to the commencement
11 of such construction or repair. The powers conferred under this
12 section are in addition to those provided in sections 17-509 to
13 17-521, and may be exercised without creating an improvement
14 district.

15 (2) If the owner of any property abutting any street or
16 avenue or part thereof fails to construct or repair any sidewalk in
17 front of the owner's property within the time and in the manner as
18 directed and requested by the mayor and council or board of
19 trustees, after having received due notice to do so, the mayor and
20 council or board of trustees may cause the sidewalk to be
21 constructed or repaired and may assess the cost thereof against the
22 property.

23 Sec. 5. Section 17-558, Revised Statutes Supplement,
24 2004, is amended to read:

25 17-558. ~~Second-class cities~~ (1) Cities of the second
26 class and villages shall have power to open, widen, or otherwise
27 improve or vacate any street, avenue, alley, or lane within the

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1 limits of the city or village, and also to create, open, and
2 improve any new street, avenue, alley, or lane. All damages
3 sustained by the citizens of the city or village, or by the owners
4 of the property therein, shall be ascertained in such manner as
5 shall be provided by ordinance.

6 (2) Whenever any street, avenue, alley, or lane ~~shall be~~
7 is vacated, the same shall revert to the owners of the abutting
8 real estate, one-half on each side thereof, and become a part of
9 such property, unless the city or village reserves title in the
10 ordinance vacating such street or alley. If title is retained by
11 the city or village, such property may be sold, conveyed,
12 exchanged, or leased upon such terms and conditions as shall be
13 deemed in the best interests of the city or village.

14 (3) When a portion of a street, avenue, alley, or lane is
15 vacated only on one side of the center thereof, the title to such
16 land shall vest in the owner of the abutting property and become a
17 part of such property unless the city or village reserves title in
18 the ordinance vacating a portion of such street or alley. If title
19 is retained by the city or village, such property may be sold,
20 conveyed, exchanged, or leased upon such terms and conditions as
21 shall be deemed in the best interests of the city or village.

22 (4) When the city or village vacates all or any portion
23 of a street, avenue, alley, or lane, the city or village shall,
24 within thirty days after the effective date of the vacation, file a
25 certified copy of the vacating ordinance or resolution with the
26 register of deeds for the county in which the vacated property is
27 located to be indexed against all affected lots.

1 (5) The title to property vacated pursuant to this
2 section shall be subject to the following:

3 (a) There is reserved to the city or village the right to
4 maintain, operate, repair, and renew sewers now existing there; and

5 (b) There is reserved to the city or village, any public
6 utilities, and any cable television systems the right to maintain,
7 repair, renew, and operate installed water mains, gas mains, pole
8 lines, conduits, electrical transmission lines, sound and signal
9 transmission lines, and other similar services and equipment and
10 appurtenances above, on, and below the surface of the ground for
11 the purposes of serving the general public or the abutting
12 properties, including such lateral connections or branch lines as
13 may be ordered or permitted by the city or village or such public
14 utility or cable television system, and to enter upon the premises
15 to accomplish such purposes at any and all reasonable times.

16 Sec. 6. Section 19-2404, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 19-2404. (1) Except as provided in subsection (2) of
19 this section, the assessment of special taxes for sanitary sewer
20 extension mains or water extension mains in a district shall be
21 levied at one time and shall become delinquent in equal annual
22 installments over a period of years equal to the number of years
23 for which the bonds for such project were issued pursuant to
24 section 19-2405. The assessment of special taxes for sanitary
25 sewer extension mains or water extension mains so provided for and
26 constructed shall be levied at one time and shall become delinquent
27 in equal annual installments over a period of years of not less

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1 ~~than four years and not more than ten years as the mayor and~~
2 ~~council or chairperson and board of trustees may determine at the~~
3 ~~time of making the levy.~~ The first installment shall become
4 becomes delinquent fifty days after the making of such levy.
5 Subsequent installments ~~shall~~ become delinquent on the anniversary
6 date of the levy. Each ~~of such installments~~ installment, except
7 the first, shall draw interest at the rate set by the city council
8 or board of trustees, ~~as the case may be,~~ from the time of such
9 levy until ~~they shall become~~ such installment becomes delinquent.
10 After ~~such installments become~~ an installment becomes delinquent,
11 interest at the rate specified in section 45-104.01, as such rate
12 may from time to time be adjusted by the Legislature, shall be paid
13 thereon until ~~the same are~~ such installment is collected and paid.
14 Such special taxes shall be collected and enforced as in the case
15 of general municipal taxes and shall be a lien on such real estate
16 from and after the date of the levy. If three or more of such
17 installments become delinquent and unpaid on the same property, the
18 ~~mayor and city council or the chairperson and board of trustees, as~~
19 ~~the case may be,~~ may by resolution declare all future installments
20 on such delinquent property to be due on a future fixed date. The
21 resolution shall set forth the description of the property and the
22 name of its record title owner and shall provide that all future
23 installments shall become delinquent upon the date fixed. A copy
24 of such resolution shall be published one time in a legal newspaper
25 of general circulation published in the municipality or, if none is
26 published in such municipality, in a legal newspaper of general
27 circulation in the municipality. After the fixed date such future

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1 installments shall be deemed to be delinquent and the municipality
2 may proceed to enforce and collect the total amount due including
3 all future installments.

4 (2) If the city or village incurs no new indebtedness
5 pursuant to section 19-2405 for any water service extension or
6 sanitary sewer extension in a district, the assessment of special
7 taxes for such improvements shall be levied at one time and shall
8 become delinquent in equal annual installments over such period of
9 years as the city council or board of trustees determines at the
10 time of making the levy to be reasonable and fair.

11 Sec. 7. Section 19-2405, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 19-2405. For the purpose of paying the cost of any such
14 water service extension or sanitary sewer service extension, in any
15 such district, the ~~mayer and~~ city council or ~~chairman and~~ board of
16 trustees, ~~as the case may be,~~ may, by ordinance, cause bonds of the
17 municipality to be issued, ~~bonds of the municipality, to be called~~
18 district water service extension bonds of district No. or
19 district sanitary sewer service extension bonds of district No.
20 ~~...., as the case may be,~~ payable in not exceeding ~~ten~~ twenty years
21 from date and to bear interest payable annually or semiannually
22 with interest coupons attached. The ordinance effectuating the
23 issuance of such bonds shall provide that ~~said~~ the special tax and
24 assessments shall constitute a sinking fund for the payment of such
25 bonds and interest. If a written protest, signed by owners of the
26 property located in ~~said~~ the improvement district and representing
27 a majority of the front footage which may become subject to

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1 assessment for the cost of the improvement, ~~be~~ is filed with the
2 municipal clerk within three days before the date of the meeting
3 for the consideration of such ordinance, such ordinance shall not
4 be passed. The entire cost of such water extension mains or
5 sanitary sewer extension mains in any such street, avenue, or alley
6 may be chargeable to the private property therein, and may be paid
7 by the owner of such property within fifty days from the levy of
8 such special taxes and assessments, and thereupon ~~said~~ such
9 property shall be exempt from any lien ~~therefor~~ for the special
10 taxes and assessments. ~~Said~~ The bonds shall not be sold for less
11 than their par value. If ~~said~~ the assessment or any part thereof
12 ~~shall fail~~ fails or for any reason ~~be~~ is invalid, the governing
13 body of the municipality may, without further notice, make such
14 other and further assessments on ~~said~~ the lots and lands as may be
15 required to collect from the ~~same~~ lots and lands the cost of ~~said~~
16 the improvement, properly chargeable as ~~hereinbefore~~ provided
17 provided in this section. In lieu of such general obligation
18 bonds, the municipality may issue revenue bonds as provided in
19 section 18-502, to pay all or part of the cost of the construction
20 of such improvement.

21 Sec. 8. Original sections 16-669, 16-670, 17-522,
22 19-2404, and 19-2405, Reissue Revised Statutes of Nebraska, and
23 sections 16-611 and 17-558, Revised Statutes Supplement, 2004, are
24 repealed.".

25 2. On page 1, strike beginning with "19-2404" in line 2
26 through line 4 and insert "17-522, 19-2404, and 19-2405, Reissue
27 Revised Statutes of Nebraska, and sections 16-611 and 17-558,

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1 Revised Statutes Supplement, 2004; to change provisions relating to
2 the vacation of streets and alleys, sewer and water improvements,
3 and sidewalk construction and maintenance; to harmonize provisions;
4 and to repeal the original sections.".